IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

Crl.MC.No. 3557 of 2007()

CRIME NO.221/07 OF KOZHIKODE TOWN POLICE STATION

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PETITIONERS:

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1. SUNIL KUMAR,AGED 37 YEARS
   S/O.C P.APPU,KOLAYIL HOUSE,
   ELATHOOR AMSOM,CALICUT.

2. V.VASUDEVAN, AGE 43 YEARS
   S/O.L MADHAVAN NAIR, "MAYOOGAM"
   POLUR DESOM, CALICUT.

3. ABDULLA KOYA K.T., AGED 46 YEARS
   S/O.MUHAMMED, KOYANTE THODUKAYIL
   PATTARTHODI, PAYYANAKKAL, PANNIANKARA
   AMSOM AND DESOM, CALICUT.

4. P.V.MUJEEB , AGED 32 YEARS
   S/O. MOIDEEN KOYA, MELEKUNI PARAMBA
   PANNIANKARA AMSOM AND DESOM, CALICUT.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA REP. BY
   STATION HOUSE OFFICER,
   TOWN POLICE STATION
   KOZHIKODE, CRIME 221/2207.

2. THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3557 of 2007

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Dated this the 27th day of November, 2007

O R D E R

The petitioners face allegations in a crime registered under Sections 353 and 427 r/w. 34 I.P.C. Apprehending arrest, the petitioners had come to this Court with an application for anticipatory bail. By order dt. 31.10.2007 in B.A. 6605 of 2007 the petitioners' application for anticipatory bail was dismissed and the petitioners were directed to appear before the Investigating Officer or the learned Magistrate and apply for bail. It was also observed that the application for bail must be disposed of by the learned Magistrate in accordance with law and expeditiously.

2. Admittedly the petitioners have not so far appeared before the learned Magistrate. They have now come before this court with another petition under Section 482 Cr.P.C. It is prayed that the F.I.R. registered may be quashed.

3. What is the ground? The only ground urged is that the allegations in the F.I. Statement are false and incorrect. At the moment and with the available materials it is not necessary for this Court exercising jurisdiction under Section 482 Cr.P.C. to decide whether the allegations are false or true. Inherently and on broad probabilities I find no reason to sail to the conclusion that the allegations are totally unworthy of acceptance or that such allegations are made vexatiously. I am, in these circumstances, not satisfied that powers under Section 482 Cr.P.C. can or ought to be invoked. I may hasten to observe that I have not intended to express any final opinion on the acceptability of the allegations raised. Powers under Section 482 Cr.P.C. need not be invoked and the petitioner must, as already directed, surrender before the learned Magistrate and then seek bail. The police must make every endeavour to complete the investigation on Annex.I crime expeditiously.

4. The learned counsel finally prays that a date may be fixed for appearance of the petitioners before the learned Magistrate and there may be a direction to the learned Magistrate to dispose of the

application on the date of surrender itself. I am not persuaded to agree that any such specification need be made. The petitioners can appear before the learned Magistrate and their application for bail must be considered by the learned Magistrate on merits, in accordance with law and expeditiously. No better or more specific direction need be issued.

5. With the above observations, this Crl.M.C. is dismissed.

(R. BASANT)
Judge

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